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DEPARTMENT OF STATE

Memorandum of Conversation

DATE: December 2, 1958

SUBJECT: Berlin Situation

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PARTICIPANTS: Mr. R. W. Jackling, Counselor, British Embassy
Mr. W. Barker, Counselor, British Embassy
Mr. Foy D. Kohler - EUR
Mr. Martin J. Hillenbrand - GER

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Mr. Kohler began by reviewing several conversations which he had recently had with representatives of the French Embassy regarding preparatory meetings on Berlin prior to the NATO Ministerial Council Session on December 16-18. He noted that, although the French at first had stressed the desirability of tripartite talks as a necessary prelude to quadripartite talks, they had finally come around to admitting that it was necessary to envisage fuller participation by the Federal Republic. They had accordingly agreed to the idea of a meeting of the four Foreign Ministers to take place in Paris on December 15, to be preceded on December 14 by meetings at the Senior Officer level (Assistant Secretary of State Merchant to represent the United States). Mr. Kohler then noted that this schedule appeared, however, to have been somewhat upset in the light of a telegram just received from London indicating that Selwyn Lloyd was opposed to any meeting of Foreign Ministers on Berlin on December 15 in view of his other commitments. Mr. Jackling commented that this was in accord with the most recent information received by the British Embassy here. Mr. Kohler added that it was not quite clear whether the Spaak proposal to postpone the NATO Ministerial Meeting until the afternoon of December 16, leaving the morning of December 16 open for the four Foreign Ministers to meet on Berlin, contemplated an extension of the regular NATO Ministerial Meetings beyond December 18. If this was the case, we would have to check and see whether the Secretary's schedule permitted such an extension.

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Mr. Kohler

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Mr. Kohler said that, so far as our substantive thinking was concerned, we were inclined to believe that we would shortly suggest to the British and French that the three powers direct their Ambassadors in Bonn to review existing contingency plans in the light of the legal situation created by the Soviet renunciation of responsibilities. We were coming around to the view that we should refuse to have anything to do with GDR representatives at the checkpoints. This, in effect, was a corollary of the legal position that the only entities upon which such renounced rights could devolve were the three Western Occupying Powers.

Mr. Jackling said that, in his opinion, it was certainly true that, if the Soviets renounce all their rights regarding Berlin, such renunciation could only be in favor of the other occupying powers. It was also true, however, that GDR officials at the checkpoints would not be in the area of Berlin proper. Mr. Kohler said that this raised the question of how far we might be prepared to go in claiming that we were the residual possessors of renounced Soviet rights.

Mr. Jackling asked whether Mr. Kohler envisaged that the Ambassadors should refer any rewriting of the contingency plans to governments for their approval. Mr. Kohler said this was the procedure contemplated, and added that we hoped to get a piece of paper to the British and French on this subject before the end of the week.

On the broader question of a response to the Soviet note, Mr. Kohler stated that we likewise hoped to have a paper on this subject for distribution to the British and French before the end of the week, the general lines of which had already pretty much been indicated by the Secretary of State. The Soviet note really reached a new low in historical distortion, Mr. Kohler commented. We tend to believe that the purely polemical aspects should probably be handled outside of the framework of our reply to the Soviet note. In this connection the Department is preparing a study of Soviet statements in the note compared to the actual historical facts with a view to possible publication as a pamphlet which would be given maximum distribution throughout the world by our information media. Mr. Barker commented that he thought such a study would be valuable. He felt, however, that the Soviet note was very artfully written, and was intended primarily to have popular appeal rather than to serve purely diplomatic purposes. It reflected the underlying showmanship of Khrushchev himself. Hence he believed that the Western reply should be somewhat in the same terms, and certainly not limited to legalistic pin-prickings. Mr. Jackling added that he also believed our reply, at least to some extent, should cover the same area as the Soviet note. Mr. Kohler commented that this could presumably be done in a few well-chosen sentences.

Mr. Barker said he would like to see a little fuller exposure of the Soviet distortions in our reply, if only because the Soviets could probably not avoid printing the reply in the Soviet Union.

Mr. Kohler

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Mr. Kohler indicated that, in our preliminary thinking, it seemed desirable that the reply deal with:

- a. Our legal position;
- b. Our negotiating posture, presumably not limited to Berlin as such but attempting to devise some appealing formula for the German problem as a whole, and
- c. a negotiating forum.

On point c, Mr. Kohler noted that the Allied position has already been stated to Moscow in connection with the Summit exercise. We could either go back to this, or select some other forum breaking Germany out of the Summit package. Our thinking was not yet entirely clear on this point. Mr. Kohler noted that, when all was said and done, we would have to face the problem of where to go from there. Either negotiations might not be arranged to begin with, or they might fail. Hence, in due course we might face the ultimate issues involved in our remaining in Berlin and living up to our commitments to the city. We would have to show our determination to maintain our lines of communication if the GDR attempted to impede them.

Mr. Jackling commented that, while it was probable that the Soviets did not want to go to war over Berlin, neither did we desire to go to war on this subject. Mr. Kohler added that the gravity of the Soviet action should not be underestimated. Berlin is, after all, of vital interest to us and we are solemnly committed. Mr. Barker said that essentially the problem was one of which side lost its nerve first. He then queried as to what might be our probable final attitude toward some face-saving formula which would let the Soviets wiggle out by granting the East Germans some role in a document stamping operation. Mr. Kohler said that, given the nature of a challenge to us, he did not believe we could accept anything in this line. Mr. Barker commented that, while the British paper which had been submitted some two weeks ago, did not represent the definitive views of his Government, he did not think the British would oppose limited dealings with the GDR as strongly as the United States.

Mr. Jackling asked how it was possible to distinguish the actions the Soviets were taking in their own zone, and the actions we had taken in the Federal Republic. We could scarcely contest what the Soviets had done in their zone of occupation. West Berlin and access thereto were, of course, set apart. Mr. Kohler noted the precept that one exercises one's rights to the point necessary to protect one's interest. Mr. Kohler then added that we must not forget the people of Berlin themselves. This was a big city with more than two-and-a-quarter million inhabitants, and we were considering the possibility of projects which would focus attention on the city and serve to maintain morale of the population.

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